IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17721 of 2007(I)

PETITIONER:

K.N.PRASANNA,
ADDITIONAL SECRETARY, GENERAL ADMINISTRATION,
(S.R.) DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)

RESPONDENTS:

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1. THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY,
(G.A.D.) AND CONVENER, DEPARTMENTAL PROMOTION
COMMITTEE (HIGHER), GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.17721 of 2007-I

Dated this the 11th day of June, 2007.

J U D G M E N T

The petitioner is the Additional Secretary in the Administrative Secretariat, Thiruvananthapuram. She was superseded in the matter of promotion in that cadre when the select list of Officers eligible for promotion to the post of Joint Secretary to Government was prepared and published by the DPC. Ext.P3 is the list approved by the Government and published in the gazette for promotion to the post of Joint Secretary to Government, for the year 2002. The petitioner was superseded and her juniors were included in Ext.P3. The petitioner, instead of filing a representation before the convener, DPC, preferred Ext.P4 representation before the Hon'ble Chief Minister of Kerala. The Government considered the representation and rejected her claim by Ext.P5 communication dated 24-1-2003. The petitioner has not chosen to challenge Exts.P3 or P5. Later, she was included in Ext.P6 DPC list for promotion to the post of Joint Secretary to Government and she was actually promoted as per Ext.P7 order dated 7-9-2005. Thereafter, the petitioner preferred Ext.P8 representation before the Chief Secretary to Government on 28-10-2005, claiming promotion

with retrospective effect from 3-12-2002. Essentially the prayer in Ext.P8 undo her superseding contained in Ext.P3.

2. I think the claim of the petitioner is stale. She has not chosen to challenge Ext. P3 or Ext.P5. Practically, the very same relief is sought now, by filing Ext.P8. Now, different grounds are raised. The same cannot be entertained at this distance of time. The grounds raised in Ext.P8 were available to her at the relevant time when she preferred Ext.P4 representation. The petitioner's juniors are entitled to .....and they cannot be called up on to vacate their place, made in super session of the petitioner.

Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS